

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) <b>Jeffrey E. Jenkins, Esq</b> <b>Jenkins &amp; Clayman</b> 412 White Horse Pike Audubon, NJ 08106 (856) 546-9696 Attorney for Debtor	
In Re: Charles Milillo, Jr.  Debtor	Case No.: 15-23337  Judge: JNP  Chapter: 13

**CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION TO**  
☒ **CREDITOR'S MOTION or CERTIFICATION OF DEFAULT**  
☐ **TRUSTEE'S MOTION or CERTIFICATION OF DEFAULT**

The debtor in the above-captioned Chapter 13 proceeding hereby objects to the following  
(choose one):

1. ☒ Motion for Relief from the Automatic Stay filed by

Bayview Loan Servicing, creditor.

A hearing has been scheduled for October 11, 2016 at 10:00 a.m.

OR

- ☐ Motion to Dismiss filed by the Standing Chapter 13 Trustee, \_

A hearing has been scheduled for \_\_\_\_\_.

- ☐ Certification of Default filed by \_\_\_\_\_, creditor

I am requesting a hearing be scheduled in this matter.

OR

- ☐ Certification of Default filed by Standing Chapter 13 Trustee.

I am requesting a hearing be scheduled in this matter.

2. I am objecting to the above for the following reasons (**choose one**):

☐ Payments have been made in the amount of \$\_\_\_\_\_, but have not been accounted for. Documentation in support of attached hereto.

☒ Payments have not been made for the following reasons and debtor proposes repayment as follows **explain your answer**): In my Chapter 13 case, my second mortgage company, Bayview Loan Servicing, has made a motion for relief from stay which is returnable 10/11/16. I did not see a payment history that was part of the motion but I did see that the attorney for my mortgage company is stating that the loan is due in full. My bankruptcy attorneys explained to me that Section 1322(b) of the Bankruptcy Code allows me to pay the arrears through the Trustee and resume making my regular monthly mortgage payments. Accordingly, what the attorneys for Bayview are saying appears to be incorrect. In any event, I am in the midst of a six month trial period and I have made three payments so far. I have made a payment in July, August and September 2016 which the mortgage company told me to make and I will remit my October 2016 payment. Based on the erroneous statement about the loan being due in full and the fact that I have been dealing with the mortgage company and they have put me in a trial period for a loan modification I ask that this motion be denied.

☐ Other (**explain your answer**): \_\_\_\_\_

3. This Certification is being made in an effort to resolve the issues raised by the creditor in this motion.

4. I certify under penalty of perjury that the foregoing is true and correct.

Date: 10.3.16

/s/ Charles Milillo, Jr.  
Charles Milillo, Jr.

NOTE:

1. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor at least seven (7) days before the return date pursuant to D.N.J. LBR 9013-1(d), if filed in opposition to a *Motion for Relief from the Automatic Stay or Trustee's Motion to Dismiss*.
2. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor within ten (10) days of the filing of a *Creditor's Certification of Default* (under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*) or a *Trustee's Certification of Default*.

**If this form is not filed the Motion or Certification of Default will be deemed uncontested and no hearing will be scheduled.**